

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

Edward Cubernot

Debtor

CHAPTER 13

CASE NO.: 21-10942-pmm

HEARING DATE: May 8, 2024

TIME: 1:00pm

LOCATION: Courtroom #1

**RESPONSE OF HEADLANDS RESIDENTIAL SERIES OWNER TRUST, SERIES E,
TO DEBTOR'S MOTION TO RECONSIDER AND VACATE THE COURT'S ORDER
OF APRIL 3, 2024**

I, Angela C. Pattison, am the attorney responsible for the management of this matter on behalf of Headlands Residential Series Owner Trust, Series E and possess personal knowledge of the facts and circumstances contained within this Response.

1. Headlands Residential Series Owner Trust, Series E (hereafter "Movant") holds a claim with respect to the real property known as 5877 Pheasant Lane, Buckingham Twp, PA 18901, which is docketed with this Court as Claim #2-1, in the amount of \$202,910.02, including arrears in the amount of \$138,545.71.

2. On April 3, 2024, this Court awarded Movant stay relief after no response/opposition was filed in regards to the Certification of Default that was filed March 27, 2024.

3. As a consequence of the relief Order, Movant proceeded with its efforts before the state court to enforce its Note and Mortgage.

4. On April 11, 2024, Debtor filed a motion to reconsider and vacate the court's order of April 3, 2024.

5. The standard for reconsideration before this court is clear. Reconsideration is only appropriate where there is, "(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the [c]ourt granted the motion; or (3)

the need to correct a clear error of law or fact or to prevent manifest injustice.” See, Max’s Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999) (citing North River Ins. Co. v. CIGNA Reinsurance Co., 52 F.3d 1194, 1218 (3d Cir. 1995)).

6. Reconsideration is granted sparingly where necessary to correct manifest injustice, consider newly discovered evidence and/or to correct errors contained within a Court’s judgment. See, Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985) (citing Keene Corp. v. Int’l Fidelity Ins. Co., 561 F.Supp. 656, 665 (N.D. Ill. 1983)).

7. Moreover, reconsideration is not a means by which parties are permitted to re-litigate prior arguments because they disagree with the Court’s decision. See, Fidtler v. Gillis, 1999 WL 596940, *2 (E.D. Pa. Aug. 9, 1999) (citing Waye v. First Citizen’s Nat’l Bank, 846 F.Supp. 310, 314 n. 3 (M.D. Pa. 1994), aff’d. 31 F.3d 1175 (3d Cir. 1994)).

8. Debtor has failed to satisfy the prongs of the Wedgewood standard.

WHEREFORE, Headlands Residential Series Owner Trust, Series E, respectfully requests this Court to deny Debtor’s motion for reconsideration with prejudice for failure to meet the standard for reconsideration and/or injunctive relief.

Respectfully submitted,

By: /s/ Angela C. Pattison, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that service was made upon all interested parties, indicated below of (i) Opposition of Headlands Residential Series Owner Trust, Series E in the manner indicated below on April 22, 2024:

Edward Cubernot
5877 Pheasant Street
Doylestown, PA 18901

Debtor

Via Regular Mail

Zachary Perlick
1420 Walnut Street
Suite 718
Philadelphia, PA 19102

Counsel for Debtor

Via ECF

United States Trustee

Office of the United States Trustee
Robert N.C. Nix Federal Building
900 Market Street, Suite 320
Philadelphia, PA 19107

United States Trustee

Via ECF

Kenneth E. West
Office of the Chapter 13 Standing Trustee
1234 Market Street – Suite 1813
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Chapter 13 Trustee

Via ECF

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